IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-11-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.12870 of 2007

Mrs.Manonmani .. Petitioner.

Versus

1.Heavy Vehicles Factory
(Government of India
Ministry of Defence),
Rep. by its Senior General Manager,
Avadi, Chennai-54.

2.Mittanamalli Circle Contract Workers
Welfare Association, rep. by its Secretary,
No.37, School Street, Avadi, Chennai-55.

3.Annamalai Construction,
No.5, M.S.Achari Street,
Mittanmalli, Avadi,
Chennai-600 055.

4.Jai Praba Enterprises,
No.36, Govindaswamy Street,
Perambur, Chennai-11.

5.Pattabiram Contract Workers Welfare
Association, rep. by its Secretary,
No.381/3, M.T.H.Road,
Pattabiram, Chennai-72.

6.Mettupalayam Circle Workers Welfare
Association, rep. by its Secretary,
No.3/13, Vinayagar Koil Street,
Mettupalayam, Thiruverkadu Post,
Chennai-77.

7.Kovilpathagai Circle Contract Workers
Welfare Association rep. by its Secretary,
No.27, Thirumullavoyil Street, Avadi,
Chennai-62.

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8.R.Kuppan

9.Thiruverkadu Circle Contract Workers
Welfare Association, rep. by its
Secretary,
No.3/13, Vinayagar Koil Street,
Mettupalayam, Thiruverkadu Post,
Chennai-77. .. Respondents.

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring the tender process of the 1st respondent dated 20.03.2007 and consequential supply orders in favour of the respondents 2 to 9 in respect of Tender Numbers (a) No.HVF/TE/01/05142/2006-2007/TAI/LC, (b) No.HVF/TE/01/05143/2006-2007/TAI/LC, (c) No. HVF /TE/ 01/05145/ 2006-2007/TAI/LC, (d) No.HVF/TE/01/05147/2006-2007/TAI/LC, (e) No.HVF/TE/01/05149/2006-2007/TAI/LC, (f) No. HVF/ TE/ 01/ 05154 /2006-2007/TAI/LC, (g) No.HVF/TE/01/05156/2006-2007/TAI/LC (h) No.HVF/TE/01/05158/2006-2007/TAI/LC (i) No.HVF /TE /01 /05172/2006-2007/TAI/LC, which require supply of more than 20 labourers as null and void" (prayer amended as per order dated 25.4.2007 by NPVJ in M.P.No.2 of 2007 in W.P.No.12870 of 2007)

For petitioner : Mr.V.Babu
For respondents : Mr.Ullasavelan (R1)

O R D E R

Heard Mr.V.Babu, the learned counsel appearing for the petitioner and Mr.B.Ullasavelan, the learned counsel appearing for the first respondent.

2. It is stated by the petitioner that she is the proprietrix of M/s.Manonmani Agencies, which is engaged in the supply of labourers on contract to the Central Government establishments in Chennai. M/s.Manonmani Agencies is a registered contractor with the first respondent. The said agency is also registered with the Employees Provident Fund Organisation and had also applied for registration under the Employees State Insurance Corporation. It has been further submitted that the first respondent had called for tenders from the registered contractors to supply labourers through 36 tender schedules, out of which 9 tenders were for supply of more than 20 labourers. The petitioner's agency had submitted tender forms for all the 36 tender schedules. It is further submitted that a total number of 12 persons had submitted tenders in respect of 9 tender schedules, which required the supply of more than 20 labourers. Only the petitioner agency and another individual were having the registration code in respect of the Employees Provident Fund and Employees State Insurance. Since the first respondent had clearly

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mentioned in the tender forms that tenders without the registration code numbers in respect of Employees State Insurance and Employees Provident Fund would be ignored, the first respondent ought to have rejected all the tenders, except the two tenders, which had complied with the tender terms. However, the first respondent had issued supply orders to the respondents 2 to 9 illegally, contrary to the tender terms, even though they were not eligible to submit tenders in respect of 9 tender schedules, which required the supply of more than 20 labourers. In spite of the representations made by the petitioner, the first respondent had confirmed the supply order in favour of respondents 2 to 9, for the supply of labourers, pursuant to the tender process, dated 23.03.2007. Aggrieved by the said action of the first respondent, the petitioner had come before this Court by way of the present writ petition, invoking Article 226 of the Constitution of India.

3. In the counter affidavit filed on behalf of the first respondent, the claims made by the petitioner have been denied. It has been stated that it is incorrect for the petitioner to state that there was no specific requirement for a contractor to quote the Employees Provident Fund and Employees State Insurance registration numbers in their offer. In fact, the petitioner had not quoted Employees State Insurance registration number in her offer. Therefore, the petitioner's statement that she and another contractor alone were having registration code in respect of Employees Provident Fund and Employees State Insurance is not correct. The petitioner's statement that without the registration code the tender enquiries shall be ignored is a wrong statement. The contractors were selected based on their tenders, which quoted the lowest amounts. Since, the tender submitted by the petitioner quoted higher amounts, as compared to the tenders submitted by the selected contractors, the petitioner's tender could not be approved by the first respondent. Further, the petitioner was registered with the first respondent vide letter, dated 21.11.1996, for a period of three years. Thereafter the petitioner had applied for the re-registration, on 11.1.2007, and the request has been under consideration. It has been further stated that the work relating to which tenders were called for had commenced, on 1.04.2007, and it has been completed on 28.07.2007. Therefore, the writ petition filed by the petitioner has become infructuous.

4. Considering the submissions made by the learned counsels appearing on behalf of the parties concerned, this Court is of the considered view that the petitioner has not shown sufficient cause or reason to grant the relief as prayed for in the writ petition. Further, from the records available before this Court, it is seen that the work for which the tenders were called for had commenced on 01.04.2007 and had been completed on 28.07.2007. It is also clear that the selected contractors had quoted the lowest amounts for the supply of labourers, as required by the first respondent.

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5. In such circumstances, the petitioner is not entitled for the relief sought for in the writ petition. Hence, the writ petition stands dismissed. No costs. Consequently, connected M.P.No.1 of 2007 is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

csh

To

The Senior General Manager,
Heavy Vehicles Factory
(Government of India
Ministry of Defence),
Avadi, Chennai-54.

1 cc To Mr.V.Babu, Advocate, SR.70325.
1 cc To Mr.B.Ullasavelan, Advocate, SR.70476.

Writ Petition No.12870 of 2007

SCD(CO)
RVL 14.12.2007

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